

EXHIBIT C

JOHN M. BAUGH February 6, 2008
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 1

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Case No. 07-CV-01658 (MJJ)

ORACLE CORPORATION, a Delaware corporation, ORACLE USA, INC., a Colorado corporation, and ORACLE INTERNATIONAL CORPORATION, a California corporation,

Plaintiffs,

v.

SAP AG, a German corporation, SAP AMERICA, INC., a Delaware corporation, TOMORROWNOW, INC., a Texas corporation, and DOES 1-50, inclusive,

Defendants.

VIDEOTAPE RULE 30(b)(6) DEPOSITION OF:
JOHN M. BAUGH - February 6, 2008
TomorrowNow, Inc.
(Highly Confidential - Attorneys' Eyes Only)

PURSUANT TO NOTICE, the Videotape Rule 30(b)(6) deposition of JOHN M. BAUGH was taken on behalf of the Plaintiffs at 1700 Lincoln Street, Suite 4100, Denver, Colorado 80203, on February 6, 2008, at 1:17 p.m., before Sandra L. Bray, Registered Diplomate Reporter, Certified Realtime Reporter, and Notary Public within Colorado.

JOHN M. BAUGH February 6, 2008
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 70

15:39:18 17 Q. Are there any -- are there any local
15:39:27 18 environments that are still existing that TomorrowNow
15:39:35 19 used to support a customer in this direct model where
15:39:44 20 that software came from a different customer's
15:39:47 21 software?
15:39:49 22 A. To be able to know that, I would have to
15:39:52 23 be able to go back and do research to determine where
15:39:56 24 that has happened and to determine if that client
15:40:02 25 we're supporting at that environment is still active.

Merrill Legal Solutions
(800) 869-9132

JOHN M. BAUGH February 6, 2008
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 71

15:40:08 1 Q. So how would you find out, you know, if
15:40:12 2 any given environment, local environment, that's used
15:40:15 3 to support a customer, that that environment came from
15:40:18 4 a different customer software?
15:40:20 5 A. The only way to really know that would
15:40:23 6 be to look through all my e-mails and see if there's
15:40:29 7 anything in any of my e-mails that would indicate
15:40:34 8 that, and then if I did find an instance of that, I
15:40:41 9 would like to check against our SAS database to see if
15:40:44 10 we're still supporting that client on that
15:40:47 11 environment.
- - - - -

JOHN M. BAUGH February 6, 2008
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 73

15:44:44 16 Q. So who would you go talk to in order to
15:44:49 17 figure out whether and in what specific instances it
15:44:53 18 occurred that a customer's local environment was
15:44:55 19 created in part from a different customer's software?
15:45:06 20 A. Specifically who I would talk to? The
15:45:20 21 majority of people who would have that -- to answer
15:45:24 22 that question are no longer with TomorrowNow. Like
15:45:26 23 George Lester, my manager at the time, would be one
15:45:35 24 good example. Like I said, probably the best way to
15:45:41 25 determine that would be to research through my e-mails

JOHN M. BAUGH February 6, 2008
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 74

15:45:47 1 and see if I had some information there. Possibly
15:45:51 2 Shelley Nelson, I could talk to to see if she was
15:45:55 3 aware of any specific cases.

JOHN M. BAUGH February 7, 2008
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 150

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Case No. 07-CV-01658 (MJJ)

ORACLE CORPORATION, a Delaware corporation, ORACLE USA, INC., a Colorado corporation, and ORACLE INTERNATIONAL CORPORATION, a California corporation,

Plaintiffs,

5

SAP AG, a German corporation, SAP AMERICA, INC., a Delaware corporation, TOMORROWNOW, INC., a Texas corporation, and DOES 1-50, inclusive.

Defendants.

VIDEOTAPE RULE 30(b)(6) DEPOSITION OF:
JOHN M. BAUGH - February 7, 2008 - Volume II
TomorrowNow, Inc.
(Highly Confidential - Attorneys' Eyes Only)

PURSUANT TO NOTICE, the Videotape Rule 30(b)(6) deposition of JOHN M. BAUGH was continued on behalf of the Plaintiffs at 1700 Lincoln Street, Suite 4100, Denver, Colorado 80203, on February 7, 2008, at 8:40 a.m., before Sandra L. Bray, Registered Diplomate Reporter, Certified Realtime Reporter, and Notary Public within Colorado.

JOHN M. BAUGH February 7, 2008
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 155

08:43:30 21 Q. What do you understand F842TMP0 to be?
08:43:35 22 A. This would have been a temporary
08:43:37 23 environment. It was a copy of one of our existing
08:43:43 24 support environments.
08:43:53 25 Q. And do you know what that environment

Merrill Legal Solutions
(800) 869-9132

JOHN M. BAUGH February 7, 2008
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 156

08:43:55 1 was used for?

08:43:56 2 A. No.

08:44:00 3 Q. Do you know whose software was used to

08:44:03 4 create it?

08:44:04 5 A. No.

08:44:13 6 Q. Do you know who requested it be built?

08:44:15 7 A. I may be able to find that information

08:44:22 8 in either the environment tracker or BakTrak.

08:44:27 9 Q. When you refer to the environment

08:44:29 10 tracker, what are you referring to?

08:44:31 11 A. That's the SAS-based system we use that

08:44:37 12 users can submit requests. So there may be

08:44:47 13 information related to this environment in that

08:44:49 14 database.

CATHERINE LEE HYDE April 1, 2008
HIGHLY CONFIDENTIAL

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE CORPORATION, ET AL, *
Plaintiffs, *
*
VS. * CASE NO. 07-CV-01658 (MJJ)
*
SAP AG, ET AL, *
Defendants. *

HIGHLY CONFIDENTIAL

ORAL AND VIDEOTAPED 30(b)(6) DEPOSITION OF

CATHERINE LEE HYDE

APRIL 1, 2008

REPORTED BY:

CAROL JENKINS, CSR, RPR, CRR

CERTIFICATE NO. 2660

Merrill Legal Solutions
(800) 869-9132

CATHERINE LEE HYDE April 1, 2008

HIGHLY CONFIDENTIAL

Page 47

17:31:51 7 Q. (By Mr. Howard) Which client software was used
17:31:59 8 to create the HG751CSS environment?
17:32:08 9 A. I -- I looked for, and I -- I knew it earlier
17:32:12 10 today, but it's just escaping me right now. But we
17:32:17 11 could probably look back in SAS and see the clients at
17:32:22 12 that time.

KATHERINE WALKER WILLIAMS April 1, 2008
HIGHLY CONFIDENTIAL

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE CORPORATION, ET AL, *
Plaintiffs, *
*
VS. * CASE NO. 07-CV-01658 (MJJ)
*
SAP AG, ET AL, *
Defendants. *

HIGHLY CONFIDENTIAL

ORAL AND VIDEOTAPED 30(b)(6) DEPOSITION OF

KATHERINE WALKER WILLIAMS

APRIL 1, 2008

REPORTED BY:

CAROL JENKINS, CSR, RPR, CRR

CERTIFICATE NO. 2660

Merrill Legal Solutions
(800) 869-9132

KATHERINE WALKER WILLIAMS April 1, 2008
HIGHLY CONFIDENTIAL

Page 53

10:00:52 15 Q. We've covered that, I think.

10:00:53 16 A. Yeah. F, going back up, the -- the E -- the

10:00:59 17 EPM environments, that is one, two EPM environments

10:01:03 18 would be used the same way as the CRM to support clients

10:01:06 19 on the EPM module by the primary support engineers.

10:01:10 20 Q. Here are you referring to lines 151 and 295 or

10:01:15 21 environment IDs 151 and 295 on Exhibit 75?

10:01:18 22 A. Yes.

10:01:18 23 Q. So the E stands for EPM?

10:01:22 24 A. Yes.

10:01:24 25 Q. And your answers with respect to those would be

KATHERINE WALKER WILLIAMS April 1, 2008
HIGHLY CONFIDENTIAL

Page 54

10:01:26 1 the same as with respect to the CRM databases
10:01:29 2 environments?
10:01:30 3 A. That they're used by the primary support
10:01:32 4 engineers, not by development.
10:01:38 5 Q. Okay.
10:01:38 6 A. The next one which is 1 -- line 174, that
10:01:43 7 appears to be for a 752 client for support of their
10:01:49 8 financial databases.
10:01:50 9 Q. That's environment ID 174?
10:01:55 10 A. Yes.
10:01:56 11 Q. And that's an environment for a specific
10:01:59 12 financials client?
10:02:02 13 A. Yes.
10:02:02 14 Q. On the 752 release?
10:02:05 15 A. Yes.
10:02:05 16 Q. Okay. And how -- how is that environment used
10:02:09 17 at TomorrowNow?
10:02:10 18 A. This would be used to support the client with
10:02:14 19 bug fixes and how to questions. The primary support
10:02:19 20 engineers would use these.
10:02:20 21 Q. So is this similar to the EPM and CRM
10:02:25 22 environments in that the primary support engineers, but
10:02:29 23 not a separate development team, would be using it?
10:02:32 24 A. Yes. In that way, it's different also from the
10:02:36 25 CRM and the EPM in that it might have some regulatory

KATHERINE WALKER WILLIAMS April 1, 2008
HIGHLY CONFIDENTIAL

Page 55

10:02:44 1 compliance requirements. I couldn't tell that from
10:02:48 2 looking at this list.

10:02:52 3 Q. What would you need to know to know whether
10:02:58 4 there were regulatory compliance requirements relevant
10:03:01 5 to the environment ID 174?

10:03:03 6 A. I would have to look in SAS to see what product
10:03:09 7 lines and what services that we are servicing for this
10:03:12 8 particular client.

KATHERINE WALKER WILLIAMS April 1, 2008
HIGHLY CONFIDENTIAL

Page 62

10:15:38 20 Q. (By Mr. Howard) Now, you left out on Exhibit
10:16:05 21 75 in your most recent list of financials local
10:16:10 22 environments Nos. 140 and 142 which appear to both have
10:16:16 23 a -- an underscore in place of the last character of the
10:16:21 24 environment name?
10:16:21 25 A. That's correct.

KATHERINE WALKER WILLIAMS April 1, 2008
HIGHLY CONFIDENTIAL

Page 63

10:16:22 1 Q. Do you know what that underscore indicates?
10:16:26 2 A. No, I don't.
10:16:28 3 Q. And you don't know how those environments were
10:16:31 4 used?
10:16:31 5 A. No.
10:16:32 6 Q. And you left out environment 247 which appears
10:16:44 7 to have the DMO extension?
10:16:49 8 A. Yes.
10:16:51 9 Q. And you don't know how that environment was
10:16:53 10 used?
10:16:53 11 A. I'm not positive, no.
10:16:55 12 Q. Okay. Well, do you have a -- an estimate or a
10:16:58 13 general sense?
10:16:59 14 A. Being that it's FDM, it's possible that that's
10:17:04 15 -- that's an abbreviation of a client, but I wasn't
10:17:08 16 positive.

KATHERINE WALKER WILLIAMS April 1, 2008
HIGHLY CONFIDENTIAL

Page 77

10:34:40 16 Q. Okay. Did you ask anybody as part of preparing
10:34:43 17 for your deposition today what these -- any of these
10:34:46 18 three CSS environments were used for?
10:34:49 19 A. I asked some general questions, but I don't
10:34:52 20 recall that specific database, but some general
10:34:55 21 questions on the name extenders and what they were used
10:34:57 22 for.
10:34:57 23 Q. All right. Well, what -- what can you tell me
10:35:00 24 about the CSS name extension?
10:35:01 25 MR. McDONELL: Vague and ambiguous.

KATHERINE WALKER WILLIAMS April 1, 2008
HIGHLY CONFIDENTIAL

Page 78

10:35:03 1 A. I don't recall the response on that.

10:35:05 2 Q. (By Mr. Howard) Okay. You believe you got

10:35:08 3 one, but you just can't recall it?

10:35:09 4 A. Yeah, I just can't recall it.

10:35:11 5 Q. Are there any notes or anything that would

10:35:13 6 refresh your recollection?

10:35:14 7 A. I would have to look in -- at -- look in SAS

10:35:17 8 maybe to see what they were used for or I would ask

10:35:22 9 Catherine.

KATHERINE WALKER WILLIAMS April 1, 2008
HIGHLY CONFIDENTIAL

Page 179

14:52:34 19 Q. Okay. Now, on the second page of Exhibit 83,
14:52:37 20 there's -- about two-thirds of the way down, there's a
14:52:41 21 heading Source. Do you see that?
14:52:44 22 A. Yes.
14:52:45 23 Q. And do you know what that refers to?
14:52:47 24 A. We required two source documents before -- to
14:52:50 25 validate that this is a fix that really should happen as

KATHERINE WALKER WILLIAMS April 1, 2008
HIGHLY CONFIDENTIAL

Page 180

14:52:54 1 our process that we can't just get one piece of paper
14:52:57 2 from one client saying this change. We would -- we
14:52:59 3 would go back to the regulating agency to validate that
14:53:04 4 not only has this been proposed but that it passed the
14:53:07 5 election or whatever process is necessary to get it into
14:53:10 6 legal law.

14:53:13 7 Q. Then the next heading is Development at the
14:53:16 8 bottom of that page. Do you see that?

14:53:17 9 A. Yes.

14:53:17 10 Q. Then carrying over to the top of the next page,
14:53:21 11 there's a list of releases, object types and object
14:53:25 12 names.

14:53:26 13 A. Yes.

14:53:26 14 Q. What is that part of the record telling us?

14:53:31 15 A. It's telling you by release number what the
14:53:35 16 object type and the file -- the object name actually is.
14:53:40 17 And some of them are DAT files; some of them are DMS
14:53:45 18 files.

14:53:53 19 Q. Is this a complete list of the objects that are
14:53:56 20 the components of this particular fix?

14:54:00 21 A. I would not -- I don't know for sure. This
14:54:06 22 little thing attachment provided by fix delivery
14:54:09 23 developer is what's making me think there might be more.

14:54:14 24 Q. And below that there's a heading Test Plan?

14:54:16 25 A. Yes.

KATHERINE WALKER WILLIAMS April 1, 2008
HIGHLY CONFIDENTIAL

Page 181

14:54:17 1 Q. What does test plan indicate?

14:54:19 2 A. The individual test QA person would create a

14:54:24 3 test plan for the different releases, how they plan to

14:54:29 4 test it, what their data requirements are and what their

14:54:33 5 expected outcome should be.

14:54:35 6 Q. So for the 7.02 environment, it indicates that

14:54:40 7 the testing has been completed for this fix?

14:54:43 8 A. Yes.

14:54:43 9 Q. And is this -- is this now referring to the fix

14:54:47 10 level testing that we talked about?

14:54:52 11 A. Yes.

14:54:52 12 MR. McDONELL: Vague as well.

14:54:53 13 A. I believe so, yes.

14:54:53 14 Q. (By Mr. Howard) And --

14:54:55 15 A. Yes, it would.

14:54:59 16 Q. And the person who did that testing was Eugene

14:55:04 17 Chua?

14:55:05 18 A. Correct.

14:55:05 19 Q. And that testing occurred in the H702RHIM

14:55:12 20 environment?

14:55:12 21 A. That's correct.

14:55:13 22 Q. What happens when the testing is -- shows as

14:55:17 23 complete under the test status for each of the -- these

14:55:20 24 releases? What does that signify?

14:55:23 25 MR. McDONELL: Vague and ambiguous.

KATHERINE WALKER WILLIAMS April 1, 2008
HIGHLY CONFIDENTIAL

Page 182

14:55:24 1 A. It -- it has passed that level of test. That
14:55:32 2 it was run. The expected results were indeed the output
14:55:34 3 that they received.
14:55:36 4 Q. (By Mr. Howard) And does that mean that that
14:55:37 5 particular fix has then been through the fix testing
14:55:42 6 stage and is ready for the bundle testing stage?
14:55:47 7 A. Possibly. I'm not sure if that's always the
14:55:51 8 case, yes.
14:55:52 9 Q. Thinking back then to the list of clients on
14:56:03 10 Exhibit 82 underneath this particular fix number?
14:56:14 11 A. Yes.
14:56:14 12 Q. Is the -- is this record telling us that of
14:56:21 13 that list, individual testing was done in the three
14:56:27 14 environments that are identified here as completed under
14:56:30 15 test plan on Exhibit 83?
14:56:33 16 A. That would be --
14:56:34 17 MR. McDONELL: Vague, compound, ambiguous.
14:56:37 18 A. That would be my conclusion.